

REMARKS

Remarks which set forth, on a claim by claim basis, specific errors in the Office Action, are set forth below. Based on those remarks, the applicants request that the pending rejections be withdrawn, and that the claims be allowed in their current form.

Claim 1

Claim 1 is directed to a computerized method for billing for web services which comprises configuring a handler to monitor a web service network communication between a service requestor and a service provider for a predefined element in a descriptor file. The handler is located at either the service requestor or the service provider. The predefined element is sent to a set of programmed instructions to create an event record, and the event record is transferred to a billing system for further processing. In rejecting claim 1, the Office Action asserted that all limitations of claim 1, with the exception of transmitting the event record to a billing system for further processing, are taught in paragraphs 10, 55, 57, 264-66 and 269 of U.S. Patent 6,640,097 (“Corrigan”).<sup>1</sup> The Office Action then asserted that transmitting the event record to a billing system for further processing is taught in paragraphs 10, 55, 57, 264-66 and 269 of U.S. published application 2002/0089958 (“Feder”).<sup>2</sup>

In response to the rejection of claim 1, the applicants note that the portions of Corrigan cited in the Office Action<sup>3</sup> appear to be essentially irrelevant to the method of claim 1. Instead of teaching or suggesting the method of claim 1, the cited sections of Corrigan (to the extent they exist) teach that an access node can be used to provide a secure environment and personalized content to users.<sup>4</sup> Not only does this fail to teach or suggest configuring a handler to monitor web service network communications for a predefined element in a

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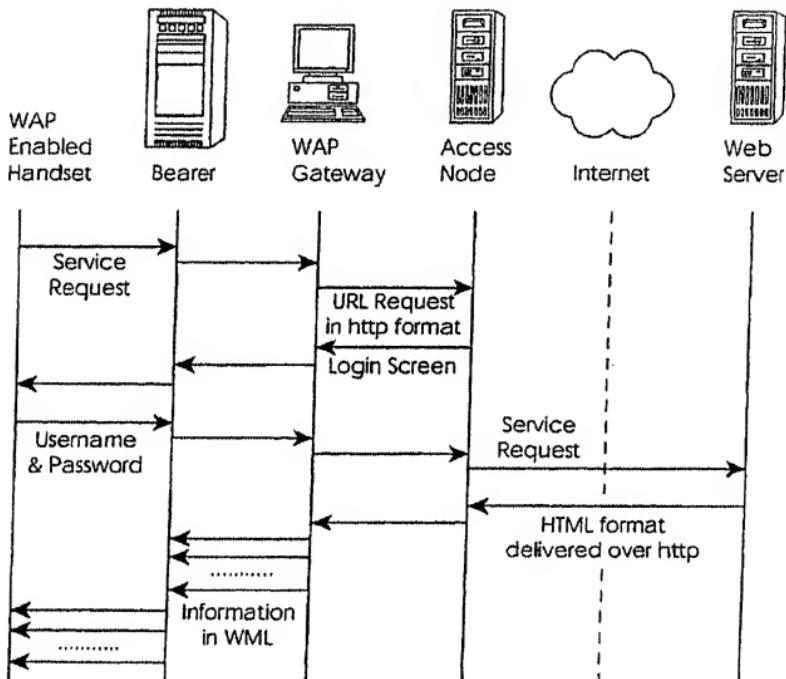
<sup>1</sup> Office Action at 2.

<sup>2</sup> Office Action at 3.

<sup>3</sup> In responding to the rejection of claim 1, the applicants have matched the paragraphs cited in the Office Action against the paragraph numbering when the application which became the Corrigan patent was published prior to issuance. This is necessary because Corrigan, like all U.S. patents, does not include separately numbered paragraphs.

<sup>4</sup> Paragraph 10 is simply a claim that the technology of Corrigan can “[i]mplement a secure, managed service environment whilst also offering personalised [sic] content.” Paragraph 55 restates that “[t]he node provides a secure management environment” and further specifies that it “facilitates rapid deployment of new Internet applications to differentiate the service offering and to deliver the optimal value proposition to the subscriber.”

descriptor file, it is clearly different from the method of claim 1 because claim 1 recites that the handler which monitors the communication is located at the service requestor or service provider. By contrast, as shown in figure 3 of Corrigan (reproduced below), the access node from the cited sections of that reference is *not* located at either of those entities.



Corrigan, figure 3. The Access Node (middle) is not located at either the service requestor or service provider.

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Paragraph 57 states that a "Personal Portal" is an important feature of Corrigan's technology. Paragraphs 264-66 and 269 do not exist, as Corrigan's pre-issuance publication only extends to paragraph 189.

The applicants note that the citation of Feder against claim 1 cannot make up for the deficiencies in Corrigan. Feder discloses technology for providing end users with remote wireless network access,<sup>5</sup> in which accounting data is stored on an accounting server in a mobile switching center.<sup>6</sup> There is no disclosure anywhere in Feder which teaches or suggests configuring a handler to monitor a web service network communication for predefined elements in a descriptor file, or which teaches or suggests that such a handler could be located at a service provider or a service requestor. Accordingly, the applicants submit, because claim 1 contains limitations which are clearly not taught or suggested by the cited art, that the rejection of claim 1 should be reconsidered and withdrawn.

#### Claims 2-15

In the Office Action, claims 2-15, like claim 1, were each rejected as obvious over the combination of Corrigan and Feder. However, as set forth above, claim 1 includes limitations which are not taught or suggested in those references. As a result, claims 2-15 should be allowed based at least on their depending from (and therefore incorporating the limitations recited in) claim 1. Additionally, claims 2-15 also include their own limitations which can provide independent bases for distinguishing those claims from the cited art. For example, claim 5 recites steps related to creating multiple event records comprising start and end times, sending the event records to a billing system, queuing the event record comprising the start time at the billing system, matching the first and second event records with one another, calculating a charge based on the times in the first and second event records, and returning the charge to the service provider. In rejecting claim 5, the Office Action asserted that those limitations are taught in Corrigan, col. 7, l. 44 – col. 8, l. 17; col. 10, ll. 1-20; col. 11, l. 28 – col. 12, l. 28; and col. 14, l. 9 – col. 15, l. 15.<sup>7</sup> However, none of those passages has anything to do with calculating or returning charges based on matched event records, as recited in the claim. Line 44 of column 7 – line 17 of column 8 disclose that the system of Corrigan can support event based billing (among other types of billing), but do not teach or suggest the queuing, matching, and calculation recited in claim 5. Lines 1-20 of column 10 disclose that the system of Corrigan can support both pre-paid and post-paid charging, but

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<sup>5</sup> Feder, ¶ 11.

<sup>6</sup> Feder, ¶ 54.

similarly fail to teach or suggest the queuing, matching and calculation from claim 5. Line 28 of column 11 – line 28 of column 12 disclose that Corrigan’s system can deliver content as requested by a client, but do not include any disclosure that is relevant to billing in general, let alone relevant to the specific method of claim 5. Finally, line 9 of column 14 – line 15 of column 15 is a section taken from Corrigan’s claims in which Corrigan recites limitations related to the same access node discussed previously. As with the other cited sections of Corrigan, it does not teach or suggest the queuing, matching and calculation of claim 5.

Additionally claim 5 is not the only claim which depends from claim 1 which recites limitations that are not taught or suggested in the cited art. For example, claims 12-15 each require that the web service network communication comprises a SOAP message stream. This type of message stream is not taught or suggested in Corrigan, the only reference cited in the Office Action as supposedly teaching the limitations of claims 12-15. As a result, the applicants submit that, even if the rejection of claim 1 is maintained, the rejections of the claims which depend from claim 1 should be independently reconsidered, and those rejections should be withdrawn based on the additional novel and non-obvious limitations recited in those claims.

#### Claims 16-17

In the Office Action, claims 16 and 17 were rejected as supposedly obvious over the same sections of the art of record as were cited against claim 1.<sup>7</sup> As set forth above regarding claim 1, those sections do not teach or suggest at least monitoring a web service network communication for pre-defined elements in a descriptor file, limitations which are found in claims 16 and 17, as well as in claim 1. Accordingly, while claims 16 and 17 are obviously not identical to claim 1, the applicants submit that the arguments set forth above regarding monitoring a web service network communication apply to claims 16 and 17 as well, and therefore request that the rejections of claims 16 and 17 be reconsidered and withdrawn based on those arguments.

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<sup>7</sup> Office Action at 3-4.

<sup>8</sup> The rejections of claims 16-17 are on pages 5-7 of the Office Action.

Claims 18-20

In the Office Action, claims 18-20, like claims 16 and 17, were each rejected as obvious over the combination of Corrigan and Feder. However, as set forth above, claims 16 and 17 include limitations which are not taught or suggested in those references. As a result, because claim 18 depends from claim 17, and because claims 19 and 20 depend from claims 16, the applicants submit that the rejections of claims 18-20 should be reconsidered and withdrawn for at least the reasons given above regarding claims 16 and 17. Additionally, the applicants note that claims 18-20 also include their own limitations which can provide independent bases for distinguishing those claims from the cited art. For example, claim 17 recites that the web service network communication comprises a SOAP message stream which, as set forth previously, is not taught or suggested in the cited art. Further, claims 17 and 18 (and, based on its dependency, claim 19) both recite limitations related to where the monitoring of the web service network communication takes place which are similar to those discussed above with respect to claim 1. As set forth above with respect to claim 1, those location based limitations are not only absent from the cited art, they are actually inconsistent with the actual operation of Corrigan. Accordingly, the applicants request, even if the rejections of claims 16 and 17 are maintained, that the rejections of claims 18-20 be independently reconsidered and withdrawn based on the novel and non-obvious limitations recited in those claims.

CONCLUSION

In light of the arguments made herein, it is respectfully submitted that the claims of the present application meet the requirements of patentability under 35 U.S.C. § 103(a). Accordingly, reconsideration and allowance of these claims are earnestly solicited. Further, the applicants submit that the above discussion does not constitute an exhaustive list of novel limitations or reasons why the pending claims should be allowed. To the extent that applicants have not addressed certain aspects of the present rejection, or seem to have adopted certain aspects of the present rejection in the arguments made herein, please do not construe the same as an admission as to the merits of the rejections.

If questions persist or additional matters need to be dealt with prior to allowance, the applicants encourage the Examiner to contact their representative, William Morris, at (513)651-6915, or [wmorriess@fbtlaw.com](mailto:wmorriess@fbtlaw.com).

The Commissioner for Patents is hereby authorized to charge any deficiency or credit any overpayment of fees to Frost Brown Todd LLC Deposit Account No. 06-2226.

Respectfully submitted,  
**Birch, et al.**

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